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12 Attorneys for Defendant
13 UNITED PARCEL SERVICE, INC.

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

JULIO C. DIAZ, individually and on
behalf of others similarly situated,

14 Plaintiff,
15
16 vs.
17 UNITED PARCEL SERVICE, INC.,
18
19 Defendant.

CASE NO. EDCV 09-02279 VBF
(DTBx)

**DECLARATION OF JEFFREY P.
MICHALOWSKI CERTIFYING
PROVISION OF CAFA NOTICE**

1 1. I, Jeffrey P. Michalowski, declare:

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3 2. I am admitted to the Bar of this Court, an Associate at Paul,
4 Hastings, Janofsky & Walker LLP (“Paul Hastings”), and one of the attorneys
5 representing defendant United Parcel Service, Inc. (“UPS”) in this action. I make
6 this declaration to show that UPS complied with the notice provisions of the Class
7 Action Fairness Act of 2005, 28 U.S.C. § 1715 (“CAFA”). I have personal
8 knowledge of the facts set forth in this declaration and could and would competently
9 testify to them under oath if called as a witness.

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11 3. On September 10, 2010, not later than ten days after the
12 proposed settlement was filed with this Court, Paul Hastings’s staff acting under my
13 direction mailed to the appropriate federal and state officials notice of the proposed
14 settlement in this action pursuant to 28 U.S.C. section 1715 (the “CAFA Notice”).

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16 4. The CAFA Notice consists of a cover letter addressed to the
17 appropriate federal or state official and five additional documents.

18
19 5. The five documents provided with the Notice of Proposed
20 Settlement consist of:

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22 (a) Plaintiff’s complaint (pursuant to CAFA, 28 U.S.C.
23 § 1715(b)(1)). Attached to this declaration as Exhibit A is a true and correct copy of
24 Plaintiff’s Complaint.

25
26 (b) Plaintiff’s first amended complaint (pursuant to CAFA, 28
27 U.S.C. § 1715(b)(1)). (This document is on file with the Court as part of Docket
28 No. 20).

(c) The parties' Notice of Proposed Class Action Settlement and Final Approval Hearing (pursuant to CAFA, 28 U.S.C. § 1715(b)(3)(A)) (This document is on file with the Court as part of Docket No. 24).

(d) The parties' Election Not to Participate in Settlement form (pursuant to CAFA, 28 U.S.C. § 1715(b)(3)(A)) (This document is on file with the Court as part of Docket No. 24).

(e) The parties' Settlement Agreement (pursuant to CAFA, 28 U.S.C. § 1715(b)(4), (5) (This document is on file with the Court as part of Docket No. 24).

6. The addressed cover letter lists the contents of the CAFA Notice and is addressed to the appropriate federal or state official. Pursuant to CAFA, 28 U.S.C. section 1715(a), which defines the appropriate federal and state officials, the cover letter was addressed to and the CAFA Notice was mailed to the Attorney General of the United States and the Attorneys General of the 43 States in which class members reside. Attached to this declaration as Exhibit B as an exemplar is a true and correct copy of the cover letter addressed and mailed to the Attorney General of the State of Alabama.

7. The addressed cover letter further provides notice of the time and location of the Hearing on Plaintiffs' Motion for Preliminary Approval of Class Action Settlement (per 28 U.S.C. § 1715(b)(2)) and a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement (per 28 U.S.C. § 1715(b)(7)).

1 8. The addressed cover letter was provided to each Attorney
2 General in paper; the remaining items were provided in portable document format
3 (PDF) on CD.

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5 9. On March 10, 2010, Paul Hastings's staff acting under my
6 direction mailed to the appropriate federal and state officials a supplemental notice
7 (the "Supplemental CAFA Notice").

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9 10. The Supplemental CAFA Notice consists of a cover letter
10 addressed to the appropriate federal or state official and two additional documents:

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12 (a) This Court's Ruling On Motion For Preliminary Approval
13 Of Class Action (September 27, 2010). (This document is on file with the Court as
14 Docket No. 27).

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16 (b) This Court's Order Conditionally Certifying Settlement
17 Class; Preliminarily Approving Proposed Settlement; Approving Notice To Class
18 And Forms Of Class Member Settlement Information Sheet And Election Not To
19 Participate In Settlement; And Setting Hearing For Final Approval Of Settlement
20 (September 27, 2010). (This document is on file with the Court as Docket No. 28).

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1 11. The addressed cover letter further provides notice of the time and
2 location of the Hearing on Plaintiffs' Motion for Final Approval of Class Action
3 Settlement. Pursuant to CAFA, 28 U.S.C. section 1715(a), which defines the
4 appropriate federal and state officials, the cover letter was addressed to and the
5 CAFA Notice was mailed to the Attorney General of the United States and the
6 Attorneys General of the 43 States in which class members reside. Attached to this
7 declaration as Exhibit C as an exemplar is a true and correct copy of the cover letter
8 addressed and mailed to the Attorney General of the State of Alabama.

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10 I declare under penalty of perjury under the laws of the United States
11 that the above is true and correct.

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13 Executed on March 28, 2011, at San Francisco, CA.

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16 /s/ Jeffrey P. Michalowski
17 Jeffrey P. Michalowski
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